

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

SCOTT REHBERG, WILLARD ALLEN  
RILEY, and MARIO RONCHETTI,  
individually and on behalf of all similarly  
situated individuals,

Plaintiffs,

-v-

FLOWERS FOODS, INC. and FLOWERS  
BAKING CO. OF JAMESTOWN, LLC,

Defendants.

Court File No. 12-cv-00596-MOC-DSC

**PLAINTIFF'S MOTION FOR  
CONDITIONAL CERTIFICATION AND  
JUDICIAL NOTICE**

NOW COME Plaintiffs SCOTT REHBERG, WILLARD ALLEN RILEY, and MARIO  
RONCHETTI ("Plaintiffs"), by and through their undersigned counsel, pursuant to 29 U.S.C.  
§ 216(b), and move the Court as follows:

1. to conditionally certify, pursuant to 29 U.S.C. § 216(b), an "FLSA Class" defined  
as:

all individuals who, through a contract with Defendants or  
otherwise, performed or perform as Distributors for Defendants  
under an agreement with Flowers Baking Co. of Jamestown and  
who were classified by Defendants as "independent contractors"  
(collectively "Covered Positions") anywhere in the United States<sup>1</sup>  
at any time from the date that is three years preceding the  
commencement of this action through the close of the Court-  
determined opt-in period and who file a consent to join this action  
pursuant to 29 U.S.C. § 216(b).

2. To order judicial notice to the classes. As part of this order, Plaintiffs move the  
Court to order a ninety-day period for responding to the Notice; to order the

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<sup>1</sup> Plaintiffs believe that most, if not all, putative class members live and work in North Carolina  
and South Carolina.

Defendant to produce a list of putative class members including information necessary to send the notice; and to allow Plaintiffs to send reminder postcards regarding the deadlines to the persons designated to receive notices on or about the forty-fifth and seventy-fifth days of the ninety-day notice period.

As set forth more fully in the Memorandum of Law filed in support of this motion, Plaintiffs have met the requirements for certification of this matter as a collective action for purposes of the FLSA claims and have further shown the appropriateness of issuing judicial notice with respect to the collective and class action claims.

Dated: November 20, 2012

Respectfully submitted,

s/ Shawn J. Wanta.  
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and

s/ Ann Groninger.  
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Attorneys for Named Plaintiffs

## CERTIFICATE OF SERVICE

I, hereby certify that I have this day electronically filed the foregoing **MOTION FOR CONDITIONAL CERTIFICATION AND JUDICIAL NOTICE** with the Clerk of Court using the CM/ECF system, which will send notification of the filing to the following person:

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Attorneys for Defendants

Dated this the 20th day of November, 2012.

/s/Ann E. Groninger  
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